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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,651	04/13/2004	Kikuo Iwasaka	P25180	3102

7055 7590 10/20/2005

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EXAMINER

LEUBECKER, JOHN P

ART UNIT	PAPER NUMBER
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3739

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/822,651	Applicant(s) IWASAKA ET AL.	
	Examiner John P. Leubecker	Art Unit 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 22 July 2005.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 17-35 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 17-32 and 35 is/are rejected.

7) ☒ Claim(s) 33 and 34 is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) ☒ All b) ☐ Some * c) ☐ None of:

 1. ☐ Certified copies of the priority documents have been received.

 2. ☒ Certified copies of the priority documents have been received in Application No. 09/848,301.

 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 17-32 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe (U.S. Pat. 5,448,988).

As to claims 17-21 and referring mainly to Figure 3, Watanabe discloses a tube comprising an elongated tubular core body (7) and an outer cover provided over the core body and having a laminate structure composed of at least three layers (9, 11, 12), wherein two of the layers have a thickness-varying region (intermediate region A) wherein the thickness of each layer varies in its longitudinal direction (note slanted dashed line in Figure 3). As shown in Figure 3, the thickness-varying region extends substantially over an entire region (intermediate region) of the layer, the thickness varying in its longitudinal direction in a gradual manner or stepwise manner. Each layer with the thickness-varying region has a uniform thickness region (e.g., on the controller side) as shown in Figure 3. Layer 12, for example, is harder than the other layers (col.2, lines 50-55 and col.3, lines 17-19). Claims 22 and 23 appear to be product-by-process claims that do not add structural features that define over the resultant product of Watanabe. Regarding claims 24-32 and 35, Watanabe contemplates additional layers (col.3, lines 20-24). Therefore, taking materials (11) and (12) as forming one layer (10) would anticipate the "at least one layer" formed of contiguous regions (11,12), and the dashed line

Art Unit: 3739

shown in Figure 3 will anticipate the boundary part between these regions. A another "layer" with the contemplated two layer transition would anticipate claim 26. Since Watanabe does not specify that the boundaries of both layers would be located above/below each other in the thickness direction, it would be logical to assume placement of these boundaries at any desired location. Remaining limitations are as discussed above.

Allowable Subject Matter

3. Claims 33 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: Claims 33 and 34 substantially correspond to claims allowed earlier in the prosecution of this application.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Although only one reference was used above to reject the claims, it is noted that many of the references cited below can be used to rejection certain claims.

Flynn (U.S. Pat. 4,283,447)

Gold et al. (U.S. Pat. 4,636,346)

Quackenbush (U.S. Pat. 5,125,913)

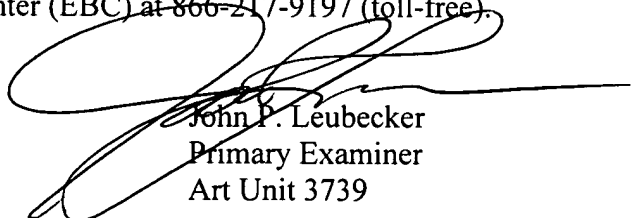
Wang (U.S. Pat. 5,533,985)

Yabe et al. (U.S. Pat. 5,536,235)	van Muiden (U.S. Pat. 5,851,203)
Azam et al. (5,860,963)	Roloff et al. (U.S. Pat. 5,918,643)
Pepin (U.S. Pat. 5,938,653)	Lunn et al. (U.S. Pat. 6,106,510)
Ferrera et al. (U.S. Pat. 6,240,231)	Wang (U.S. Pat. 6,648,024)
Parker et al. (US 2002/0032408)	Tiernan et al. (US 2003/0199836)
Carter (US 2004/0064130)	

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John P. Leubecker
Primary Examiner
Art Unit 3739